



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

Research and
Special Programs
Administration

MAR 10 2004

DOT-E 13192
(FIRST REVISION)

EXPIRATION DATE: August 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Onyx Environmental Services L.L.C.
Flanders, NJ

(See Appendix A to this exemption for a list of additional grantees)

2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of certain lab packs and non-bulk packages, provides partial relief from segregation requirements and certain marking requirements, subject to the packaging and safety measures prescribed herein. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 172.203(i)(2) in that the flashpoint must be identified on shipping papers, § 172.301(c) in that the exemption number must be marked on each package, 173.12(b)(1) in that cargo vessel and rail freight are not authorized modes of transportation, 173.12(b)(3) in that Division 6.1 Packing Group I and Division 4.2 Packing Group I materials are not authorized to be packaged in lab packs, 173.25(a)(2) in that each overpack must be marked and labeled, 173.25(a)(5) in that Class 8 Packing Group I and Division 5.1 Packing Group I may not be overpacked, 174.81, 176.83 and § 177.848(c) in that certain hazardous materials must be segregated from each other in transportation, except as specified herein.

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5. BASIS: This exemption is based on the application of Onyx Environmental Services L.L.C. dated December 31, 2002, submitted in accordance with § 107.105 and public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Specific or generic proper shipping name for Division 4.2 materials, preceded by the word "Waste"	4.2	As appro- priate	As appro- priate
Specific or generic proper shipping name for Class 8 materials, preceded by the word "Waste", if applicable	8	As appro- priate	As appro- priate
Specific or generic proper shipping name, as appropriate, preceded by the word "Waste"	6.1	As appro- priate	I (Hazard Zone A)
Cyanide materials capable of liberating hydrogen cyanide (HCN) when the material comes in contact with acid materials classed as Class or Division 3, 4.1, 4.2, 4.3, 5.1, 5.2, 6.1, 8, or 9, preceded by the word "Waste"	As appro- priate	As appro- priate	As appro- priate

Note: Except for Division 4.2 and 6.1 materials in Packing Group I, materials identified in § 173.12(b)(3) may not be transported under the terms of this exemption.

7. SAFETY CONTROL MEASURES:

a. PACKAGING -

1. Waste Cyanides - Waste cyanides, cyanide solutions or cyanide mixtures must be packaged in "Lab packs" as described in § 173.12(b)(2), containing no more than two kilograms(4.4 pounds) net weight per inner packaging, and no

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more than ten kilograms(22 pounds) net weight per outer packaging.

2. Spontaneously Combustible Materials - Division 4.2 materials must be packaged in lab packs as provided in § 173.12(b)(2), containing no more than two kilograms(4.4 pounds) net weight per inner packaging, and no more than ten kilograms(22 pounds) net weight per outer packaging. Division 4.2 materials in PG I must be packaged in lab packs as provided in § 173.12(b)(2) except that the outer packaging must be a steel or plastic drum meeting PG I performance level. Only hazardous wastes may be packaged in lab packs.

3. Poison Materials - Materials meeting the definition of a Division 6.1, PG I in Zone A (poisonous by inhalation) must be packaged as required by § 173.226(c) and must be further overpacked in a steel or plastic drum meeting PG I performance level.

4. Corrosive Materials - Class 8 materials must be in authorized UN specification packagings not exceeding 208 liters (55 gallons) per package or "Lab packs" as described in § 173.12(b)(2). Only hazardous wastes may be packaged in lab packs.

5. When transported by cargo vessel:

(i) Oxidizers: Division 5.1 materials must be packaged in lab packs as provided in § 173.12(b)(2), containing no more than two kilograms(4.4 pounds) net weight per inner packaging, and no more than ten kilograms(22 pounds) net weight per outer packaging.

(ii) Organic peroxides: Division 5.2 materials must be packaged in lab packs as provided in § 173.12(b)(2), containing no more than one kilograms(2.2 pounds) net weight per inner packaging, and no more than five kilograms(11 pounds) net weight per outer packaging.

(iii) The aggregate net weight of all Division 5.1 materials per shipment may not exceed 220 pounds and the aggregate net weight of all Division 5.2 materials or Division 4.1 self-reactive materials per shipment may not exceed 110 pounds.

(iv) Each shipping paper for a material with a flash point of 61°C or less must have an indication either

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that the flash point is below 23°C or that the flash point is not less than 23°C but not more than 61°C.

b. The transport vehicle may not contain any explosives, radioactive materials, or un-containerized hazardous materials in the same shipment.

c. SEGREGATION: A horizontal buffer of at least 4 feet must be maintained for separation between the following incompatible hazardous materials. This buffer may be created by using other packages containing compatible hazardous materials or non-reactive freight or by other means of blocking and bracing the load. In addition, each package covered by this exemption must be transported on pallets or otherwise raised at least 4 inches off the ground.

(i) Division 4.2 materials and Class 8 materials.

(ii) Cyanides or cyanide mixtures and acids.

(iii) Division 6.1, PG I, Zone A materials and Class 3 or 8 or Division 4.1, 4.2, 4.3, or 5.1 materials.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. Lab packs placed on pallets and secured to the pallet with shrink-wrap need not comply with § 173.25(a)(2) except that two labels representative of each Hazard Class or Division for the materials contained therein must be visibly displayed on opposing sides.

d. The provisions of § 173.25(a)(5) prohibiting Class 8, Packing Group I and Division 5.1, Packing Group I from being overpacked with any other materials are waived.

e. The marking requirements of § 172.301(c) are waived.

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9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, and cargo vessel.
10. MODAL REQUIREMENTS:
- a. A current copy of this exemption (Appendix A may be shortened to include the first and last pages and the page on which the offeror's name appears) must be carried aboard each motor vehicle and cargo vessel used to transport packages covered by this exemption.
 - b. Drivers and crew members must be instructed of the hazards involved in accidental mixing of cyanide with Class 8 acid materials.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

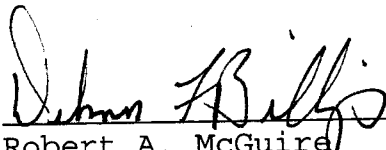
Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

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12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



67 Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: dl

Tracking 2004020583

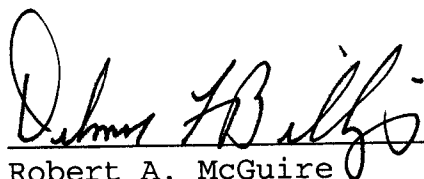
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The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
21 st Century Environmental Management, Inc., Fernley, NV	Feb 16, 2004	MAR 29 2004	Aug 31, 2005
Alternative Disposal, Inc. Fallbrook, CA	Jan 30, 2004	Mar 10, 2004	Aug 31, 2005
Battelle, Pacific Northwest Division Richland, Washington	Feb 20, 2004	MAR 29 2004	Aug 31, 2005
Bay West, Inc. St. Paul, MN	Mar 14, 2003	MAR 29 2004	Aug 31, 2005
Burlington Environmental Inc. dba Philip Services Corporation Tacoma, WA	Feb 16, 2004	MAR 29 2004	Aug 31, 2005
Coal City Cob Co., Inc. Avalon, TX	Feb 11, 2004	MAR 29 2004	Aug 31, 2005
Disposal Consultant Services, Inc. Hillsborough, NJ	Feb 27, 2004	MAR 29 2004	Aug 31, 2005
Ensco Caribe, Inc. Catano, PR	Jan 20, 2004	Mar 10, 2004	Aug 31, 2005
Environmental Services, Inc. South Windsor, CT	Mar 1, 2004	MAR 29 2004	Aug 31, 2005
Firestone Environmental, Inc. dba Prime Environmental Services Company El Monte, CA	Mar 2, 2004	MAR 29 2004	Aug 31, 2005
Haz Mat Services, Inc. Anaheim, CA	Jan 11, 2004	Mar 10, 2004	Aug 31, 2005

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Company Name City/State	Application Date	Issue Date	Expiration Date
Resource Recovery Corp. dba Philip Services Corporation Tacoma, WA	Feb 16, 2004	MAR 29 2004	Aug 31, 2005
Rho-Chem Coroporation Renton, WA	Feb 16, 2004	MAR 29 2004	Aug 31, 2005
TIER DE, Inc. Gap, PA	Feb 23, 2004	MAR 29 2004	Aug 31, 2005
Teris L.L.C. Dallas, TX	Jan 20, 2004	Mar 10, 2004	Aug 31, 2005
Triumvirate Environmental, Inc. Somerville, MA	Feb 27, 2004	MAR 29 2004	Aug 31, 2005
University of Minnesota Minneapolis, MN	Mar 8, 2004	MAR 29 2004	Aug 31, 2005
UT-Battelle, L.L.C Oak Ridge, TN	Feb 10, 2004	Mar 10, 2004	Aug 31, 2005
Von Roll America, Inc. East Liverpool, OH	Feb 26, 2004	MAR 29 2004	Aug 31, 2005



Robert A. McGuire
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Date